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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MICHAEL-JOHN F. MAIER,

9 Plaintiff,

10 v.

11 SNOHOMISH DEPARTMENT OF
CORRECTIONS, *et al.*,

12 Defendants.

Case No. 2:19-cv-01962-BJR

ORDER DISMISSING PRISONER'S
CIVIL RIGHTS COMPLAINT

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14 Before the Court is the Report and Recommendation ("R&R") of the Honorable Mary Alice
15 Theiler, United States Magistrate Judge, which recommends that the Court dismiss Michael-John
16 F. Maier's ("Plaintiff") prisoner civil rights complaint filed under 42 U.S.C. § 1983. Dkt. No. 6.


17 Plaintiff is currently a state prisoner confined at the Snohomish County Jail in Everett,
18 Washington. Dkt. No. 1. On November 27, 2019, he filed the instant action complaining that the
19 Jail has failed to provide him a vegan meal, inappropriately placed him with "the worst of the
20 worst," and failed to provide him with necessary medication and personal shoes which help his
21 herniated discs. *Id.* at 4–7. On December 2, 2019, the Clerk informed Plaintiff that his filing was
22 deficient because he had failed to pay the filing fee, and to proceed he would either need to pay
23 the filing fee or submit an application to proceed *in forma pauperis*. See Dkt. No. 2. On December

1 11, 2019, Plaintiff submitted an application to proceed *in forma pauperis*, but the next day the
2 Clerk informed Plaintiff that his filing was again deficient for failure to include a certified copy of
3 his prison trust account statement. Dkt. No. 5. The Clerk informed Plaintiff that he had until
4 January 13, 2020 to correct the deficiency or risk dismissal. *Id.*

5 Plaintiff has not provided the required prison trust account statement. Based on this failure,
6 Judge Theiler recommends dismissing Plaintiff's claim for failure to prosecute. Dkt. No. 6 at 2.
7 The R&R gave Plaintiff until February 7, 2020 to file an objection. *Id.* None has been filed. As
8 such, the Court will adopt Judge Theiler's R&R and ORDERS as follows:

- 9 1. The Report and Recommendation is APPROVED and ADOPTED;
10 2. Plaintiff's action is DISMISSED without prejudice for failure to prosecute; and
11 3. The Clerk is directed to send copies of this Order to Plaintiff and to the Honorable
12 Mary Alice Theiler.

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14 DATED this 4th day of March, 2020.

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16 BARBARA JACOBS ROTHSTEIN
17 UNITED STATES DISTRICT JUDGE
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